

# **EXHIBIT G**

STEVEN NOFFSINGER,

PLAINTIFF

VS.

THE VALSPAR CORPORATION, A DELAWARE CORPORATION,  
d/b/a C & M COATINGS AND d/b/a VALSPAR INDUSTRIAL  
AND ENGINEERED POLYMER SOLUTIONS, INC., d/b/a  
ENGINEERED POLYMER SOLUTIONS, VALSPAR COATINGS, A  
DELAWARE CORPORATION

DEFENDANTS

DEPOSITION OF

DR. JAMES WEDNER

SEPTEMBER 20, 2010

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE NORTHERN DISTRICT OF ILLINOIS  
3           EASTERN DISTRICT OF ILLINOIS

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5       STEVEN NOFFSINGER,

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7           PLAINTIFF,

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9       vs.                       No. 09-CV-916

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11       THE VALSPAR CORPORATION, A DELAWARE CORPORATION,  
12       d/b/a C & M COATINGS AND d/b/a VALSPAR INDUSTRIAL  
13       AND ENGINEERED POLYMER SOLUTIONS, INC., d/b/a  
14       ENGINEERED POLYMER SOLUTIONS, VALSPAR COATINGS, A  
15       DELAWARE CORPORATION,

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17           DEFENDANTS.

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19       Deposition of DR. JAMES WEDNER, taken on behalf  
20       of the Plaintiff, at the offices of Dr. James  
21       Wedner, 4990 Children's Place, Northwest Tower  
22       Bldg., 15th Floor, in St. Louis, Missouri, on the  
23       20th day of September, 2010, before Pamela K.  
24       Needham, RPR, CCR, CSR (MO, IL) and Notary Public.

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1 APPEARANCES OF COUNSEL:

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1 think --

2 A No, I don't think it's a new opinion.

3 Q Well, I don't think I've seen anything like

4 him, you saying that he changed his story.

5 A No, I'm not saying he changed his story, I'm

6 just saying that...

7 Q All right.

8 A He didn't have -- I mean we can argue at

9 this all we want.

10 Q I'm not going to argue with you, Doctor, I  
11 am not going to come here to get you to belief  
12 differently than you believe, that's not the purpose  
13 of my presence here today.

14 A You know, I mean --

15 Q The purpose of my presence here today is for  
16 me to know what you're going to say at trial.

17 A What I'm going to say at trial is that he  
18 doesn't have RADS.

19 Q Well, I know that, and I think you're wrong,  
20 and Dr. Pacheco thinks you're wrong, and when you  
21 say something like his story has changed, that's a  
22 rather charged statement, and that's something  
23 you're going to have to show me in the evidence.

24 A All right.

25 Q Okay, so I guess that's another thing we

1 example, in some of the people in, that were,  
2 developed disease at Ground Zero. And so she can't  
3 really say that he has air flow limitation. You  
4 either have asthma, or you don't, you know.

5 And I don't -- I think that this idea  
6 that patients typically show air flow limitation,  
7 show me in the ATS criteria where it says air flow  
8 limitation.

9 Q Doctor, don't all, I mean absolutely without  
10 exception all of the RADS authors note that  
11 pulmonary function test noting possible air flow  
12 obstruction is one of the criteria?

13 A Yeah, but they, they -- possible air flow  
14 obstruction, but air flow limitation is a completely  
15 different term.

16 Q Wait --

17 A Air flow limitation is, can be a bellows  
18 problem, where you can't breathe in and out. This  
19 guy has air flow limitation, I admit it freely, but  
20 he has vocal cord dysfunction.

21 Q Okay, well, we'll get to that, Doctor, but  
22 are you suggesting that Dr. Pacheco is offering her  
23 analysis of air flow limitation as a RADS diagnosis  
24 criterion?

25 A Yes.

1 criteria.

2 A Yes.

3 Q Okay. Now Dr. Pacheco said a number of  
4 things in her assessment of this criterion. Could  
5 you tell me what, if anything, you agree with?

6 A I don't think he's atopic, and I don't think  
7 he has allergic disease based upon skin testing and  
8 RAS testing, so I agree with that. I do think that  
9 he has an approximately 20 pack-year history of  
10 smoking. Everyone seems to agree that he smoked  
11 about two-thirds of a pack of cigarettes a day for  
12 25 years. So that comes out to the requisite 20  
13 pack years approximately.

14 And so I think -- and I don't know if  
15 we're going to talk about it, but I did review, you  
16 sent me his chest X-ray and CAT scan, and there's  
17 clear evidence of pulmonary disease there, which is  
18 consistent with somebody who's smoked for 20 years.  
19 So I think that the statement: Although he  
20 previously smoked cigarettes, he has no ongoing  
21 respiratory symptoms or need for medical care, I  
22 mean I don't know where that comes from. I mean  
23 it's, it -- how can I put it? If you -- if I sent  
24 this gentleman to see someone at National Jewish,  
25 and only said he's got a 20 pack-year history of

1 principal conclusion, which was that Mr. Noffsinger  
2 has irritant-induced RADS. Pardon me,  
3 irritant-induced vocal cord dysfunction.

4 A Right.

5 Q Would it be fair to say that you agree that  
6 Mr. Noffsinger has vocal cord dysfunction?

7 A Absolutely.

8 Q Okay. Do you agree that it's  
9 irritant-induced?

10 A No.

11 Q Okay. And why is that?

12 A Well, again, if you look at the criteria for  
13 so called irritant-induced vocal cord dysfunction,  
14 which is kind of a, I mean there is a lot of talk  
15 about irritant-induced vocal cord dysfunction, but  
16 that's not what most people, when they say  
17 irritant-induced vocal cord dysfunction in --

18 Q Okay, I'm sorry, Doctor.

19 A That's Perkner, all right.

20 Q Correct.

21 A Okay. So I mean a lot of us talk about  
22 irritant-induced vocal cord dysfunction, but we  
23 don't mean what is alluded to in these -- in this  
24 paper, in the Perkner paper or in the Perkner review  
25 article. And that is -- and this is true for



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1 State of Missouri

2 SS.

3 City of St. Louis

4 I, Pamela K. Needham, a Notary Public in and  
5 for the State of Missouri, duly commissioned,  
6 qualified and authorized to administer oaths and to  
7 certify to depositions, do hereby certify that  
8 pursuant to Notice in the civil cause now pending  
9 and undetermined in the United States District Court  
10 For the Northern District of Illinois, Eastern  
11 Division, to be used in the trial of said cause in  
12 said court, I was attended at the offices of Dr.  
13 James Wedner, 4990 Children's Place, Northwest Tower  
14 Bldg., 15th Floor, in St. Louis, Missouri, by the  
15 aforesaid attorneys; on the 20th day of September,  
16 2010.

17 The said witness, being of sound mind and being  
18 by me first carefully examined and duly cautioned  
19 and sworn to testify the truth, the whole truth, and  
20 nothing but the truth in the case aforesaid,  
21 thereupon testified as is shown in the foregoing  
22 transcript, said testimony being by me reported in  
23 shorthand and caused to be transcribed into  
24 typewriting, and that the foregoing page correctly  
25 set forth the testimony of the aforementioned

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1 witness, together with the questions propounded by  
2 counsel and remarks and objections of counsel  
3 thereto, and is in all respects a full, true,  
4 correct and complete transcript of the questions  
5 propounded to and the answers given by said witness;  
6 that signature of the deponent was not waived by  
7 agreement of counsel.

8 I further certify that I am not of counsel or  
9 attorney for either of the parties to said suit, not  
10 related to nor interested in any of the parties or  
11 their attorneys.

12 Witness my hand and notarial seal at St. Louis,  
13 Missouri, this 27th day of September, 2010.  
14 My Commission expires October 12, 2013.

15

16

*Pamela K. Needham*

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Notary Public in and for the

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State of Missouri

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